

ADVISORY OPINION 95-004

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is required. KRS 121. 135(4).

March 11, 1995

Hon. Spencer D. Noe
Republican Party of Kentucky
Capitol Avenue at Third Street
P.O. Box 1068
Frankfort, Kentucky 40602

Dear Mr. Noe:

This is in response to your February 7, 1995, letter in which you request an advisory opinion regarding whether the Republican Party may enter into an arms-length business transaction with gubernatorial candidates for the sale of information such as voter registration or telephone lists. Essentially, you ask whether the provision of such lists in an arms-length transaction would constitute a contribution to the gubernatorial candidate.

A contribution as defined by KRS 121A.010(11)(a)(3) includes "[g]oods, advertising or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are furnished to a slate of candidates, committee, or contributing organization without charge, or at a rate which is less than the rate normally charged for such goods or services, if the person furnishing the goods, advertising, or services paid another person for their provision."

Voter registration lists and telephone number lists would either be purchased by the party from the State Board of Elections, which has a price list for such materials, or would be generated from another source at a cost to the party, and the cost of items furnished to candidates would have a value and thus, constitute a contribution to the candidate. Therefore, the party would be required to either charge the candidate a fair market price for the voter registration or telephone lists or the value of such items should be recorded and reported as a contribution from the party to the candidate. We suggest that you review the State Board of Election's price list for assistance in arriving at a fair market price.

Sincerely,

Rosemary F. Center
General Counsel

RFC/db

